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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,212	01/12/2001	Han Tack-don	2834-36	8573

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EXAMINER

COULTER, KENNETH R

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/758,212

Applicant(s)

TACK-DON ET AL.

Examiner

Kenneth R. Coulter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4 and 20-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4 and 20-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 4 and 20 – 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilz, Sr. et al. (U.S. Pat. No. 6,152,369) in view of Kaufman et al. (U.S. Pat. No. 6,070,805) (Distortion Resistant Double-Data correcting Color Transition Barcode and Method of Generating and Using Same).

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2.1 Regarding claim 20, Wilz discloses an advertising method comprising the steps of:

setting up a code conversion table in which a plurality of characters including numerals and symbols are mapped to corresponding colors or shades (Fig. 4; Fig. 7A, blocks C and D; col. 24, lines 14 – 20 “the Composition/Printing Module is used to automatically generate a URL-encoded bar code symbol information structure ...”; col. 4, lines 51 - 67);

receiving address information for providing a service of predetermined advertisement (col. 34, lines 4 – 6 “Java-encoded bar code symbols can be applied to consumer products in order to (i) access information pertaining to present or future sales (e.g. specials) and/or **advertising**; ...”);

converting each character included in the address information into a combination of colors (black and white) or shades (dark and light) according to the code conversion table (Fig. 7A, block D “**GENERATE AN URL-ENCODED BAR CODE SYMBOL INFORMATION STRUCTURE FOR EACH WWW INFORMATION RESOURCE ...**”; col. 24, lines 14 – 20 “the Composition/Printing Module is used to **automatically generate a** URL-encoded bar code symbol information structure ...”; col. 4, lines 51 - 67); and

assigning a series of colors or shades which are converted corresponding to the characters included in the address information to a plurality of cells to generate a code image by combining the cells, wherein the code image is formed of a plurality of cells in each of which one of said colors or shades is represented and can be physically or electronically represented (Fig. 4, item 40 (the bar code in the Internet Browser

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Window); Fig. 7A, block D; col. 24, lines 14 – 20 “the Composition/Printing Module is used to automatically generate a URL-encoded bar code symbol information structure ...”; col. 4, lines 51 - 67).

However, Wilz does not explicitly disclose at least three colors or shades.

Kaufman discloses a barcode device with at least three colors or shades (Abstract; Figs. 28, 33, 34).

In addition Kaufman discloses many reasons for implementing a **color** barcode scheme (col. 1, lines 11 – 22).

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement the color barcode scheme in Wilz because a color barcode scheme would provide as more information in a more compact area.

2.2 Per claim 21, Wilz teaches that index information is assigned to the address information and the index information is converted into colors or shades in the converting step (col. 24, lines 14 - 26).

2.3 Regarding claim 22, Wilz discloses that the code image includes a data area formed of data cells each of which is represented by a converted color or shade (Figs. 6A, 6B; col. 22, line 46 – col. 23, line 8).

2.4 Per claim 23, Wilz teaches a pattern including a vector line is used together with colors or shades in the converting step (Abstract; Figs. 4, 6B).

2.5 Regarding claim 4, Wilz discloses that the code image further comprising at least **one or more** among:

a parity area, which is formed of at least one or more parity cells, for providing parity information for confirming whether or not the colors or shades read from the data cells are correctly recognized during decoding;

a reference area, which is formed of at least one or more reference cells, for providing base colors or base shades for determining the colors or shades of data cells formed in the data area; and

a control area, which is formed of at least one or more control cells, for representing commands or services which can be provided by the information represented in the data area (Figs. 6A, 6B; col. 22, line 46 – col. 23, line 8).

2.6 Per claim 24, Wilz teaches an advertising method comprising the steps of:

receiving a code image (bar code) in which colors (black and white) or shades (dark and light) are represented (Abstract; Figs. 1B1, 1B2, 1B3 and 1B4);

extracting characters contained in the code image according to a code conversion table in which a plurality of characters including numerals and symbols are mapped to corresponding colors or shades (Figs. 1B1, 1B2, 1B3 and 1B4; col. 11, lines 39 - 60);

forming an address information for providing a predetermined advertisement service, based on the extracted characters (Figs. 1B1, 1B2, 1B3 and 1B4; col. 11, lines

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39 – 60; col. 34, lines 4 – 8 “Java-encoded bar code symbols can be applied to consumer products in order to (i) access information pertaining to present or future sales (e.g. specials) and/or **advertising**; ...”);and

providing the advertisement service according to the address information via the network (Figs. 1B1, 1B2, 1B3 and 1B4; col. 11, lines 39 – 60; col. 34, lines 4 – 8).

However, Wilz does not explicitly disclose at least three colors or shades.

Kaufman discloses a barcode device with at least three colors or shades (Abstract; Figs. 28, 33, 34).

In addition Kaufman discloses many reasons for implementing a **color** barcode scheme (col. 1, lines 11 – 22).

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement the color barcode scheme in Wilz because a color barcode scheme would provide as more information in a more compact area.

2.7 Regarding claims 25 – 34, the rejection of claims 20 – 24 and 4 under 35 USC 103 (paragraphs 2.1 – 2.6 above) applies fully.

Response to Arguments

3. Applicant's arguments with respect to claims 4 and 20 - 34 have been considered but are moot in view of the new ground(s) of rejection.

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth R. Coulter whose telephone number is 571 272-3879. The examiner can normally be reached on 5 4 9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KENNETH R. COULTER

PRIMARY EXAMINER



krc